

REMARKS

The Office Action dated July 13, 2007, has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

Claims 1, 3, and 5-39 are currently pending in the application, of which claims 1, 9-12, 18, 21, 24-25, 27-28, 30, 32, 34-36, and 39 are independent claims. Claims 12, 13, and 18 have been amended, and claims 19-39 have been added, to more particularly point out and distinctly claim the invention. No new matter has been added. Claims 1, 3, and 5-39 are respectfully submitted for consideration.

Claims 1, 3, 5-12, and 14-17 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0035401 of Shaheen et al. (“Shaheen”). Applicants respectfully traverse this rejection.

Claim 1, upon which claims 3 and 5-8 depend, is directed to a method including sending a message from a first party to a second party in a communication system. The method also includes sending a response to the message, the response including at least one parameter in breach of a policy for a communication between the first party and the second party. The method further includes detecting in a network controller that the response includes at least one parameter breaching the policy. The method additionally includes modifying, by the network controller, the at least one parameter to be consistent with the policy.

Claim 9 is directed to a controller configured to operate in a communication system. The controller is also configured to handle responses and requests between

parties of communication sessions. The controller is further configured to forward a message from a first party to a second party. The controller is additionally configured to check whether a response to the message includes at least one parameter in breach of a policy for the communication between the parties. The controller is also configured to modify the at least one parameter to be consistent with the policy.

Claim 10, upon which claims 13-17 depend, is directed to a communication system including a controller configured to handle responses and requests between parties of communication sessions, forward a message from a first party to a second party, check whether a response to the message includes at least one parameter in breach of a policy for the communication between the parties, and modify the at least one parameter to be consistent with the policy. The communication system is configured to provide the communication sessions between the parties. The parties are connected to the communication system.

Claim 11 is directed to a communication system including sending means for sending a message from a first party to a second party. The communication system also includes sending means for sending a response to the message, the response including at least one parameter in breach of a policy for a communication between the first party and the second party. The communication system further includes detecting means for detecting in a network controller that the response includes at least one parameter breaching the policy. The communication system additionally includes modifying means for modifying the at least one parameter to be consistent with the policy. The

communication system is configured to provide the communication sessions between the parties. The parties are connected to the communication system.

Claim 12 is directed to a method including sending a message from a first party to a second party in a communication system. The method also includes awaiting a response to the message. The method further includes receiving the response, the response including at least one parameter in breach of a policy for a communication between the first party and the second party. The method additionally includes modifying the at least one parameter to be consistent with the policy.

Applicants respectfully submit that Shaheen fails to disclose or suggest all of the elements of any of the presently pending claims.

Shaheen generally relates to utilizing a session initiation protocol for identifying user equipment resource reservation setup protocol capabilities. More particularly, Shaheen describes a session setup mechanism between two UEs. UE 1 transmits an INVITE message containing an SDP which contains the codecs UE 1 is capable of supporting. The INVITE is received by UE 2. UE 2 returns the SDP with codecs in the received INVITE. The P-CSCF of UE 2's network authorizes a QoS resource system for the common codecs. The P-CSCF may reject the session based on a lack of support for the proposed QoS protocol. The P-CSCF of UE 1's network authorizes the resources for the common codecs. UE 1 selects the codec to use from the common codecs and transmits an SDP to the second UE.

Claim 1 recites, “modifying, by the network controller, the at least one parameter to be consistent with the policy.” Shaheen fails to disclose or suggest at least this feature of claim 1.

The Office Action cited figure 8, steps s5-s9, and paragraphs [0045], [0065], and [0075] of Shaheen. The Office Action explained that “S-CSCF removes or reduces a set of supported codecs based on operator policy.” A primary problem with this analysis is that the S-CSCF (and the P-CSCF) in Shaheen removes the parameters in requests, not in responses to requests. Thus, “the at least one parameter” modified in Shaheen is not included in a response, such that the parameter is the parameter in the feature “the response including at least one parameter in breach of the policy,” recited in claim 1. In Shaheen, because the P-CSCFs and S-CSCFs essentially filter the request, by the time a response comes back there can be no “at least one parameter in breach of the policy,” unless UE#2 of Shaheen were to improperly process (in step 11) the SIP INVITE sent in step 10. Shaheen does not envisage such a problem.

An advantage of the network controller modifying the media parameters in a response is that the UE is not responsible for enforcing policy over the network. This can enable more secure control over policy as UE are susceptible to tampering. Because Shaheen does not disclose or suggest that the modifying is by the network controller in the response path, it is respectfully submitted that Shaheen cannot provide these critical and unobvious advantages.

For similar reasons, it can be seen that claim 1 recites “sending a response to the message, the response including at least one parameter in breach of a policy for a

communication between the first party and the second party,” which is not disclosed by Shaheen.

Shaheen’s failure to disclose that the response includes at least one parameter in breach of a policy can be seen from the fact that the message transmitted by UE 2 to the Proxy CSCF merely instructs the Proxy CSCF to provide the RSVP functionality and does not include a parameter that is in breach of a policy. If it did, then one of ordinary skill in the art would expect that UE 2 would not need to be aware of its deficiencies under the present invention, and would not need to instruct the Proxy CSCF to provide RSVP functionality.

Thus, while certain embodiments of the present invention can advantageously provide a network entity enforcing policy within the network by “modifying” parameters transmitted by user equipment, Shaheen is directed towards negotiating a media session between two UEs. When media parameters breach policy within the network disclosed in Shaheen, the parameters are “removed” and not “modified,” as explained at paragraph [0065] of Shaheen. This difference between removal and modification provides a secondary deficiency in the analysis discussed above. Accordingly, Shaheen neither discloses nor suggests all of the elements of claim 1, nor can Shaheen provide the critical and unobvious advantages that certain embodiments of the present invention can provide. Thus, it is respectfully requested that the rejection of claim 1 be withdrawn.

Independent claims 9-12 each have their own scope, but each contain some similar features to those discussed above. Likewise, claims 3 and 5-8 depend from, and further limit, claim 1. Thus, it is respectfully submitted that each of claims 3 and 5-12 recites

subject matter that is neither disclosed nor suggested in Shaheen, and it is respectfully requested that the rejection of claims 3 and 5-12 be withdrawn.

In the “Response to Arguments” section, the Office Action relied on Shaheen’s Figure 9 instead of Shaheen’s Figure 8, but again, the same arguments and distinctions noted above apply to Figure 9 of Shaheen as well. More precisely, all of the cited art relied upon has to do with SIP requests not responses, but “response” is recited in the claims. Thus, the cited art is inapplicable.

The Office Action further acknowledged that Shaheen removes the parameters, but stated that removal was an example of modification. However, removing a parameter does result in the parameter being “consistent with the policy.” It may make, instead, the message consistent with the policy, but removing a parameter cannot possibly be “modifying, by the network controller, the at least one parameter to be consistent with the policy,” as recited in claim 1, because the removed parameter is still not “consistent with the policy,” it is simply omitted from the message. Thus, Applicants respectfully disagree with the Office Action’s opinion that “removing a parameter” is equivalent to “modifying a parameter” within the context of the presently pending claims.

In order that the above-presented distinctions may be more clearly understood, the following explanation is also provided for the Examiner’s convenience.

As noted above, all of the presently pending independent claims have principally do with responses (such as, for example, SIP responses) rather than requests, whereas Shaheen (in cited portion) has to with SIP requests.

This can be seen upon review of the feature “sending a message from a first party to a second party in a communication, [and] sending a response to message, the response including at least one parameter in breach of a policy for a communication between the first party and the second party,” as recited in claim 1. Shaheen, as can be seen from the discussion above, fails to disclose or suggest any such feature. The Office Action had cited paragraphs [0033], [0037] to [0039], [0065], and [0066] of Shaheen as allegedly disclose this feature of claim 1. Applicants respectfully disagree.

Paragraphs [0033] and [0037] to [0039] describe with reference to Figure 1, a basic session establishment procedure employing SIP. This basic procedure involves a UE(A) starting a session initiation procedure to UE(B) that include an SDP proposal. The user at UE(B) will then interact and express wishes regarding the actual session. The UE(B) then generates and sends an accepted SDP, optionally based on the user’s wishes. Such procedures described in Shaheen do not correspond to a “response that includes at least one parameter in breach of a policy for communication,” as recited in claim 1.

The specification of the present application, at page 4, lines 11-12, mentions that handling of SIP requests containing SDP has been described for 3GPP. Paragraphs [0065] and [0066] of Shaheen discuss sending a set of codecs in an initial INVITE message, which simply corresponds to the SIP requests containing SDP that had been described for 3GPP and acknowledged in the present specification.

However, conventionally it was not possible to reject such a response if SDP in the response breaches media policy, such as a policy set by an operator but not known to the user. This fact is also mentioned at page 4, lines 13-16, of the specification of the

present application. Handling of responses breaching policy was thus potentially problematic in the conventional system.

The presently claimed methods may permit handling of responses, and therefore are both novel and non-obvious with respect to the disclosure of Shaheen, which does not even provide the slightest hint that there may be policy-breaching parameters in a response.

These advantages and distinctions are present in various places in the claims. For example:

- With respect to claim 1, since it is not conventionally possible to reject an ACK message in SIP protocol, it is advantageous for an SDP answer sent in an ACK message to match local policy, otherwise breakdown of communication may result. The same advantages also apply to claims 9-11.
- With respect to claim 12, in addition to the sending of a response feature mentioned above, Shaheen fails to teach the “awaiting a response to the message; receiving the response, the response including at least one parameter in breach of a policy for a communication between the first party and the second party,” as recited in claim 12 (as presently amended).
- With respect to claim 18, Shaheen fails to teach or suggest “receiving a response” for similar reasons to those given above in relation to failing to disclose “sending a response.” Shaheen also fails to disclose or suggest “passing the response unmodified from the second party to the first party,”

as recited in claim 18. The same advantages and distinctions may also apply to new claims 21 and 24.

Thus, for all the reasons set forth above, it is respectfully requested that the rejection of claims 1, 3, 5-12, and 14-17 be withdrawn.

Claims 13 and 18 were rejected under 35 U.S.C. 103(a) as being unpatentable over Shaheen in view of U.S. Patent No. 5,835,484 of Yamato et al. (“Yamato”). The Office Action took the position that Shaheen discloses most of the features of the claims, but cited Yamato to remedy certain deficiencies of Shaheen. Applicants respectfully traverse this rejection.

Claim 13 depends from and further limits claim 10. At least some of the deficiencies of Shaheen with respect to claims 10 and 18 are discussed above. Yamato does not remedy the above-identified deficiencies of Shaheen, which is unsurprising since Yamato was cited with respect to other features of the claims. Accordingly, it is respectfully submitted that the combination of Shaheen and Yamato fails to disclose or suggest the same features noted above, with respect to which Shaheen is clearly deficient. It is, thus, respectfully requested that the rejection of claims 13 and 18 be withdrawn.

For the reasons set forth above, it is respectfully submitted that each of claims 1, 3, and 5-39 recites subject matter that is neither disclosed nor suggested in the cited art. It is, therefore, respectfully requested that all of claims 1, 3, and 5-39 be allowed, and that this application be passed to issuance.

If, for any reason, the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by

telephone, Applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,


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Enclosures: Petition for Extension of Time
Additional Claims Transmittal
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